



KAPUT-001US

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 on:

Dated: 2 NOV 2004 Signed: *ABa* Printed: ADAM BELL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: KAPUT

Title: Identification Of Diet-Regulated Disease-Associated Genes

Serial No.: 10/700,305

Filing Date: 10/31/03

Examiner: Bradley L. Sisson

Group Art Unit: 1634

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This paper is in response to the Restriction Requirement mailed 09/02/2004 with a response due with a one month extension on or before 11/04/2004.

The applicant hereby petitions for a **one month extension of time**, and encloses a cheque for \$55 made payable to the Commissioner for Patents.

Applicants believe that no further fee is due with this communication. However, if the USPTO determines that a fee is due, please contact the applicant immediately.

ELECTION

Applicants elect, with traverse, Group I, claims 1-4 and 16, in class 436 subclass 94 drawn to a method for identifying diet-regulated disease-associated polynucleotides.

Applicants traverse the restriction requirement and argue that inventions I – VIII *are* disclosed as being capable of use together, in fact that they cannot be used separately.